

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-010

**ADOPTION OF ORDINANCE ESTABLISHING THE PLANNING
COMMISSION FOR THE CITY OF SOUTH FULTON**

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government;

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council;

WHEREAS, Section 4.11 of the City Charter authorizes the City Council to create such boards, commissions and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the City Council deems necessary;

WHEREAS, Section 1.12(b)(26) of the City Charter authorizes the City to exercise planning and zoning powers;

WHEREAS, the City is charged with preserving the health, safety, and welfare of its citizens; and

WHEREAS, the establishment of a Planning Commission to oversee all zoning and planning of the City is in the best interest of the City.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: The City of South Fulton Code of Ordinances, Chapter 5, Title 5, Zoning and Planning, is hereby established and enacted as follows:

Title 5: ZONING AND PLANNING

CHAPTER 5. – PLANNING COMMISSION

Sec. 5-5001. – Initiation of amendments.

- (a) Amendments to the text of this chapter and to the official zoning map shall be made only by the City Council. The Planning Commission shall make recommendations to the City Council on proposed amendments to the official zoning map, and the

community development department may make recommendations to the Planning Commission.

- (b) Owners of subject property or their authorized agent may initiate amendments to the official zoning map and the comprehensive plan by submitting a request to the community development department. The department shall review the request for compliance with state and municipal law, and it shall make a written recommendation to the Planning Commission prior to any meeting where the request is considered.
- (c) Before enacting any amendment to this chapter or to the official zoning map, the City Council shall provide for the public notice and public hearings required by this chapter and Georgia law.

Sec. 5-5002. – Planning Commission established; membership; terms.

- (a) *Creation.* There is hereby established a Planning Commission which shall consist of eight members, residents of the city, who shall be appointed by the governing authority as follows:
 - (1) One member shall be nominated by each member of the City Council and the Mayor; and
 - (2) Each member shall be approved by a vote of the majority of the City Council.
 - (b) *Terms.* The Planning Commission member shall serve a term consistent with that of the member of the City Council (or the Mayor) making the nomination. A Planning Commission member shall serve until his or her replacement is appointed by the City Council in a manner consistent with this ordinance. The Planning Commission members shall serve no more than two terms, either consecutive or non-consecutive, and a term shall end upon the swearing in or re-swearing in of the member of the City Council (or the Mayor) who nominates the Planning Commission member.
 - (c) *Chair and Vice Chair.* The Planning Commission shall elect one of its members to serve as chairperson and another to serve as vice-chairperson. The chairperson and vice-chairperson of the Planning Commission shall serve a term of one year or until reelected or a successor is elected. The duty of the chair shall be to conduct the meetings in accordance with the procedures set forth herein and any other rules or regulations established by the Planning Commission. The vice-chairperson shall conduct the meetings in the chair's absence. The vice-chairperson may be appointed chair if the chair is removed from office, or due to a physical or mental disability, cannot perform the duties of chair.
- (c) *Qualifications.*
 - (1) Members of the Planning Commission shall hold no other city office or city-compensated position during such member's term.
 - (2) All Planning Commission members shall be residents of the City.
 - (3) No person shall preside at a meeting of the Planning Commission as a member of the Planning Commission until they have been certified as having completed a training session of eight hours.

(d) *Removal.*

(1) Except as provided in paragraph 2 of this subsection, Planning Commission members serve at the pleasure of the City Council and may be removed upon motion of the nominating councilmember and affirmative vote of a majority of the City Council.

(2) Planning Commission members shall automatically be removed from the Commission if they miss two consecutive meetings without the permission of the Chair, or if the Commission member fails to attend at least 75 percent of the Commission meetings in a 12 month period. The Commission secretary shall notify the City Clerk of any Commission member who does not attend a meeting. If a Commission member is removed for failure to attend meetings as set forth in his paragraph, the removal is automatic and does not require a vote of the City Council.

(e) *Compensation.* The City Council shall, by resolution, determine the amount of compensation, if any, to be paid to the members of the Planning Commission. In the absence of such resolution, no compensation shall be provided to the members of the Planning Commission.

Sec. 5-5003. – Planning Commission to hold public hearing and make recommendation on all proposed amendments.

Until the City adopts its own ordinances, the ordinances of Fulton County shall govern. The Planning Commission is authorized to render decisions based on Fulton County's ordinances until the City adopts its own, at which point, the Planning Commission shall apply the City's ordinances. Unless introduced by a member of the City Council, no amendment to the official zoning map or the comprehensive plan character area maps shall become effective unless it has first been submitted to the Planning Commission for public hearing and recommendation pursuant to the requirements of this title and this chapter. If a City Council member introduces an amendment without allowing for the Planning Commission's review, the City Councilmember shall notify the City Council that the Planning Commission has not been provided with the opportunity to make a recommendation on the proposed amendment, through the proposed ordinance's text and verbally at the first and second reading of the proposed ordinance. Except as provided in this Section, no amendment to the text of this chapter shall become effective unless a proposed ordinance has been submitted to the Planning Commission for public hearing and recommendation to the City Council pursuant to the requirements of this chapter.

Sec. 5-5004. – Planning Commission and City Council to adopt rules of procedures.

The Planning Commission and the City Council shall propose rules of procedure to the City Council, and the rules shall specify the policies and procedures that govern calling and conducting the public hearings by the Planning Commission. Robert's Rules of Order shall govern any procedural question not otherwise covered in the rules of procedure of the Planning Commission or City Council. The proposed rules shall not be effective until either the City Council approves them at a public meeting, or the City Council has not acted on the proposed rules for three public meetings since receiving notice of the proposed rules by the Planning Commission. Notice shall be provided to the City Council

by the City Clerk upon transmission of the proposed rules from the Planning Commission to the City Clerk. The Planning Commission rules shall be made available for distribution to the public.

Sec. 5-5005. – Voting.

Whenever a vote is required by the members of the Planning Commission, the member appointed by the Mayor shall not vote except in the case of a tie.

Sec. 5-5006. – Secretary of Planning Commission; staff support.

A City employee shall serve as the Planning Commission secretary. The secretary shall provide support to the Planning Commission as reasonable and necessary to accomplish said Commission's duties. The secretary of the Planning Commission shall provide the members of the Planning Commission all information submitted to, or generated by, city staff on each proposed amendment, which the Commission considers, including: a copy of the application and all supporting materials; all other written communications given to the staff either in support of or in the opposition to the amendment; and the proposed amendment. The secretary shall be responsible for permanently maintaining the records of the Planning Commission.

Section 2: Severability

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 3: Repealer

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4: Effective Date

Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be July 12, 2017.

The foregoing Ordinance No. **2017-010** was offered by Councilmember **Gilyard**, who moved its approval. The motion was seconded by Councilmember **Gumbs**, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	<hr/>	<hr/>
Catherine Foster Rowell, Mayor Pro Tem	<hr/> √ <hr/>	<hr/>
Carmalitha Lizandra Gumbs	<hr/> √ <hr/>	<hr/>
Helen Zenobia Willis	<hr/> √ <hr/>	<hr/>
Gertrude Naeema Gilyard	<hr/> √ <hr/>	<hr/>
Rosie Jackson	<hr/> √ <hr/>	<hr/>
khalid kamau	<hr/> √ <hr/>	<hr/>
Mark Baker	<hr/> √ <hr/>	<hr/>

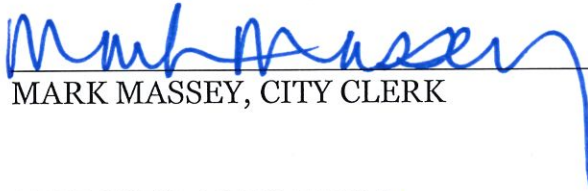
THIS ORDINANCE adopted this 25th day of July 2017. CITY OF
SOUTH FULTON, GEORGIA

"THIRD READING"



WILLIAM "BILL" EDWARDS, MAYOR

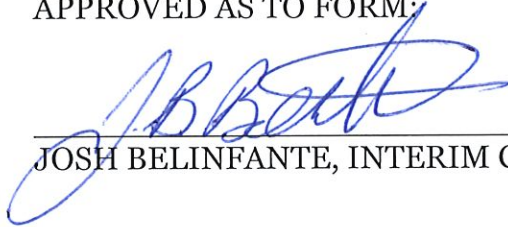
ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY